

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JUAN H. TORRES,
Plaintiff,

No. C 12-06064 WHA

v.

ORDER REMANDING ACTION

ESMERALDA SANCHEZ-ARREOLA,
Defendant.

Pro se plaintiff Juan Torres filed a notice of removal to remove a state court action originally filed in the San Mateo County Superior Court (Case No. Fam-0117137). The notice of removal asserts that federal jurisdiction is based on diversity.

“If at any time before final judgment it appears that the district court lacks subject matter jurisdiction, the case shall be remanded.” 28 U.S.C. 1447(c). Setting aside the fact that *plaintiff*, not defendant, removed the action, it is clear from the face of the complaint that federal subject-matter jurisdiction is lacking. *First*, there is no federal question, as the state court action appears to be a “petition for dissolution of marriage.” There is no claim under federal law stated in the petition and plaintiff’s right to relief does not depend on the resolution of a substantial question of federal law. *Second*, as this is a family law action for dissolution of marriage, the amount-in-controversy requirement cannot be met.

The action is hereby remanded to the **SUPERIOR COURT OF SAN MATEO COUNTY**.

IT IS SO ORDERED.

Dated: January 10, 2013.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE